

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY, REGION IX

~~Director, Surveillance & Analysis Division~~  
Chief, Compliance Branch  
Chief, Proceedings Branch

MAY 16 1974

Director, Enforcement Division

State of Hawaii NPDES Permit Program; Request for Approval

Attached is a copy of a request from the State of Hawaii  
for approval of their NPDES permit program. Please review  
the Hawaiian submittal <sup>for completeness</sup> (copy attached) and return your  
comments to the Permits Branch by May 27.

Richard L. O'Connell

Attachment

Reading file  
Enf. Div.  
Permits Branch  
WHPierce/jc 5/16/74  
File 815.4

CONCURRENCES

SYMBOL	U/P						
SURNAME	5/16/74						
DATE	5/16/74						



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 16 1974

OFFICE OF  
ENFORCEMENT AND GENERAL COUNSEL

MEMORANDUM:

TO: Richard O'Connell, Director, Enforcement Division, Region IX

FROM: Deputy Assistant Administrator for Water Enforcement

SUBJECT: Approval of Hawaii's Permit Program

It's my understanding that the State of Hawaii either has or is in the advanced stages of preparing all authorities and materials necessary for NPDES approval of its permit program. I also understand that serious doubts have been raised as to the adequacy of Hawaii's resources, manpower, and efficiency.

As you know, our resource requirements tend to be related to the size of the task to be done. States with fewer point sources can get by on less resources. Similarly, we can be less demanding where we have issued, or expect to have issued by time of approval, all major and significant permits. In such cases we can approve a state's program where the Governor will commit to obtain any additional resources necessary to maintain an ongoing permit issuance, monitoring, and enforcement program.

As an approvable program and one which applied for and received interim permit issuance authority, Hawaii merits our support and a chance to run its own permit program. In similar situations we have sent teams consisting of headquarters and regional enforcement personnel to state capitols for face-to-face meetings with key state officials. We have found that this sort of contact tends to identify and focus problems, facilitates solutions, and generally stimulates momentum for approval. If Hawaii is willing, I will make a member of my staff available, notwithstanding travel costs, for two to three days of meetings in Hawaii. I request that you would attend such a meeting or send along one or more members of your staff. The purposes of the trip would be as follows:

1. Confirm tentatively the adequacy of Hawaii's statutes, regulations, and Attorney General's statement for meeting section 402(b) requirements.

2. Review, modify, negotiate, and tentatively finalize all remaining program documents, including the program description and region-state agreement.

3. Identify further documentations, if any, necessary to meet the requirements of a complete submission.

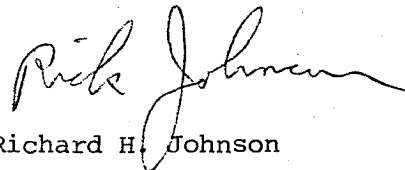
4. Assess the adequacy of Hawaii's resources and the efficiency of their procedures and organization.

5. Discuss with state officials means by which the state can strengthen and improve its operations, including commitments to obtain any necessary funding and manpower.

6. Assess the firmness of the State's commitments.

I hope that such a meeting can be held soon, preferably no later than mid-June. Would you discuss the meeting with Hawaii and try to set it up at the State's earliest convenience. If you so desire, I will have the headquarters representative come to the regional office a day or two early for a briefing on regional policies and goals with respect to Hawaii.

If you want to discuss this proposal further, please call me. I believe Hawaii presents one of those situations where we may be able to approve a program and substantially complete permit issuance by the end of this year if not by the end of September.

  
Richard H. Johnson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Hawaii Application for NPDES Permit Program Approval DATE: 16 May 74

FROM: Director, Enforcement Division

TO: Director, Air & Water Division  
Director, Surveillance & Analysis Division  
Office of Audit (w/o encl)

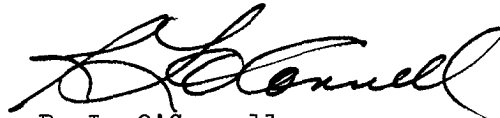
Enclosed is a copy of the subject application for your review and comment.

Our immediate concern is the completeness of the application. Accordingly, we would like to have your views as to whether the application contains sufficient information for you to be able to make a firm recommendation for approval or disapproval based on your particular or general area of responsibility.

Please identify any such deficiencies in their application. We will consolidate them and request the state to revise the application accordingly. Once a complete application is received it will once again be provided to you for review and recommendation as to approval or disapproval.

You may assume for purposes of this review that the state has adequate legal authority to conduct the NPDES program and also that program operating relationships with EPA will be adequately covered by a separate Memorandum of Understanding.

We would appreciate having your response by May 27, 1974.



R. L. O'Connell

Encl. a/s

cc: RA (w/o encl.)

*Distr made 5-16-74*